

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
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3 San Francisco, CA 94104
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4 Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 BOARD OF TRUSTEES OF THE NORTHERN)	NO. C 07 3207 JL
12 CALIFORNIA FLOOR COVERING, et al.)	
13 Plaintiff,)	DECLARATION OF ATTORNEY
14 vs.)	MICHAEL J. CARROLL IN
15 BEVIL'S FLOOR SERVICE, INC., a)	SUPPORT OF PLAINTIFF'S
16 California corporation)	EX PARTE APPLICATION FOR
17 Defendant.)	ORDER TO CONTINUE CASE
)	MANAGEMENT CONFERENCE

18 I, MICHAEL J. CARROLL, certify:

19 1. I am an attorney with the law firm of Erskine & Tulley,
20 A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES
21 OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY WELFARE FUND; STEVE
22 HAVENS, TRUSTEE, in this action. I am duly admitted to practice law
23 in the United States District Court, Northern District of California.
24 If called as a witness, I could and would competently testify as
25 follows:

26 2. Service was accomplished upon the only party in this
27 case on July 9, 2007. No responsive pleading was filed.

28 3. Substantial payments have been paid.

1 4. Settlement discussions are now in progress with the
2 defendant.

3 5. It is requested that the Court continue the Case
4 Management Conference some sixty days hence.

5 6. Good cause exists to grant plaintiff's request for a
6 continuance of the Case Management Conference currently set for
7 October 10, 2007 to December 12, 2006 to allow the parties time to
8 settle this case and avoid any unnecessary burden to the Court.

9 I declare under penalty of perjury that the foregoing is
10 true and correct to the best of my knowledge.

11 Executed on October 4, 2007 at San Francisco, California.

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13 /s/ Michael J. Carroll
14 Michael J. Carroll
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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On October 4, 2007 I served the within **DECLARATION OF ATTORNEY MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE** on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Bevil's Floor Service, Inc.
533 Burke Street
San Jose, CA 95112

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on October 4, 2007 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman